

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH E. BERRY,

Plaintiff,

V.

RUSSELL O'FERRELL, et al.,

## Defendants.

CASE NO. C09-5042RBL

## ORDER OF DISMISSAL

The Court adopted the Report and Recommendation and denied Plaintiff's application to proceed *in forma pauperis*. Plaintiff was directed to pay the filing fee within 30 days of the date of that Order, otherwise this action would be dismissed. Thirty days have passed since the Order Adopting the Report and Recommendation was entered on September 23, 2009, and the filing fee has not been paid. ACCORDINGLY, **IT IS ORDERED**: This cause of action is **DISMISSED**.

DATED this 28<sup>th</sup> day of October, 2009.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE